IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 12499 of 2005

Between:

Moturi Venkateswarlu, Son of Bucheyya, Hindu
R/o. Patha Ramavaram (V), Gangavaram (M), E.G. District.

..... PETITIONER

AND

1 The Addl. Agent to the Government, E.G. District,

Rampachodavararam & Project Officer, I.T.D.A.
Rampachodavaram, E.G. District.

2 The Special Deputy Collector, (Tribal welfare) Rampachodavaram,

E.G. District.

3 The Special Deputy Tahsildar, (Tribal welfare) Gangavaram,

E.G. District.

4 The Mandal Revenue Officer, Gangavaram, E.G. District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ, declaring as illegal, arbitrary and violation of Art. 21 of the Constitution of India and the action of the 1st Respondent in not granting stay of the orders of the 2nd Respondent in LTRP No.141 of 2004 dated 30.11.2004 inspite of the statutory appeal filed by the petitioner ie CMA.No:-- of 2005 dated 23.03.2005 against the orders of the 2nd Respondent in LTRP No.141 of 2004 dated 30.11.2004 and it is further consequentially

prayed that this Hon'ble Court may be pleased to suspend the operation of the order in LTRP No.141 of 2004 dated 30.11.2004 on the file of the 2nd Respondent pending disposal of the CMA No. --- of 2005 dated 23.03.2005 on the file of the 1st Respondent.

Counsel for the Petitioner : MR.S.R.SANKU

Counsel for the Respondents : GP FOR SOCIAL WELFARE

The Court made the following :

O R D E R

This writ petition is filed by the petitioner aggrieved by the inaction of the 1st respondent in passing any stay orders pending disposal of the appeal filed by the petitioner against the order of the 2nd respondent dated 30.11.2004 in LTRP No.141 of 2004.

According to the petitioner, he is the owner and possessor of the land of an extent of Ac.8-63 cents in Sy.Nos.5-2, 27-1 and 4-1 of Patharamavaram village, Gangavaram Mandal, East Godavari District. According to the petitioner, the 2nd respondent-Special Deputy Collector, Tribal Welfare, Rampachodavaram, initiated proceedings under the Land Transfer Regulations, alleging that the petitioner is in possession of the land in contravention of the regulations. After conducting enquiry, an order of ejectment was passed restoring the land to the Government. Aggrieved by that, the petitioner filed an appeal before the 1st respondent and the petitioner also sought for stay, pending disposal of the appeal. But, however, the appellate authority did not pass any order though the petition was filed on 16.04.2005. Hence, the present writ petition.

At the time of hearing, learned Government Pleader submitted that he received instructions that the respondent authorities have already taken possession of the land in question from the petitioner, and therefore, the petitioner is not entitled for stay of the order of the 2nd respondent.

Heard both sides and considered the material on record.

Though the learned Government Pleader asserted that possession was already taken by the respondent authorities, the petitioner disputed that the respondent authorities had taken possession of the land in question from the petitioner.

In the above circumstances, the writ petition is disposed of directing the parties to maintain status-quo existing as on today, pending disposal of the appeal and the 1st respondent is directed to dispose of the appeal expeditiously, preferably within a period of six weeks from the date of receipt of a copy of this order. No order as to costs.

JUSTICE S.ANANDA REDDY

15TH JUNE, 2005.

PGS

To

1 The Addl. Agent to the Government, E.G. District,

Rampachodavararam & Project Officer, I.T.D.A.
Rampachodavaram, E.G. District.

2 The Special Deputy Collector, (Tribal welfare) Rampachodavaram,

E.G. District.

3 The Special Deputy Tahsildar, (Tribal welfare) Gangavaram,

E.G. District.

4 The Mandal Revenue Officer, Gangavaram, E.G. District.

5) 2 CD copies

6) 2 CCs to G.P. for Social Welfare.

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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15TH JUNE, 2005.